

REMARKS

This Supplemental Amendment is in response to the Notice of Non-Compliance Amendment dated September 13, 2004. The text of the withdrawn claims 9-20 is now included.

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The office action dated May 25, 2004 has been received and its contents carefully reviewed.

Claims 1-8 and 21-28 remain in the application. Claims 1 and 21 have been amended.

The Examiner rejected claims 1-8 and 21-28 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1-3, 5, 21-23, and 25 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,239,855 to Nakahara et al. (Nakahara). Claims 6 and 26 were rejected under 35 U.S.C. §102(e) as being anticipated by Nakahara considered with Applicant's related art. Claims 4, 7, 8, 24, 27, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakahara.

The rejection of claims 1-8 and 21-28 under 35 U.S.C. § 112, first paragraph is traversed and reconsideration is respectfully requested. The Examiner rejected these claims because they contain "subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention."

Specifically, claim 1 includes the limitation "step-shaped" to describe the compensating layers. The Examiner states that "there is no specific teaching in the specification, and it is unclear how the instant figures show a compensating layer with a 'step' shape." For example in FIGs. 4 and 5A-5F, the compensating layers 43 are shown. These compensating layers 43 are step-shaped in that they provide a step upon which the main seal 33 and dummy seals 38 are raised. In other words they provide a step up from the substrate for these seals. Further, the language used in the originally filed claims described the layer as a "step coverage-compensating layer" which also describes a stepped structure. The use of the term "step-shaped" is intended to describe the structure 43 in FIGs. 4 and 5A-5F, where the compensating layer 43 steps up from the lower substrate 31 with two edges. In light of these remarks,

Applicant requests that the rejection of claims 1-8 under 35 U.S.C. § 112, first paragraph be withdrawn.

Specifically, with regard to claim 21 the Examiner states that: “the new claim 21 requires the first and second compensating layer width to be ‘substantially the same as’ the width of the main and dummy seals, respectively. The specification makes no mention of the width and the drawings show the widths of the compensating layers to be wider than that of the seals.” For example in FIG. 4 the compensating layers 43, and the main seal 33 and dummy seals 38 are shown. In the sections labeled AA-AA’, DD-DD’, EE-EE’, FF-FF’, GG-GG’, and HH-HH’ the main seal 33 and the dummy seals 38 are substantially the same width as the compensating layers. While it is true that the compensating layers are shown to be slightly wider than the seals, they still are substantially the same width as the seals. Therefore, the drawings provide support for this feature of the claims. In light of these remarks, Applicant requests that the rejection of claims 21-28 under 35 U.S.C. § 112, first paragraph be withdrawn.

The rejection of claims 1-3 and 5-6 under 35 U.S.C. 102(e) is hereby traversed, and reconsideration is requested. Claims 1-3 and 5 recite a combination of elements including “a first step-shaped compensating layer under the main seal” and “a second step-shaped compensating layer under the plurality of dummy seals, the second step-shaped compensating layer having substantially a same structure as the first step-shaped compensating layer.” Nakahara does not teach or disclose at least these features of the present invention.

Nakahara discloses the use of a functional film with dummy seals to overcome gap uniformity problems in the vicinity of an injection seal. (See Nakahara col. 7, ll. 5-9.) The present invention teaches a first and second step shaped compensating layers having substantially the same structure. The second step-shaped compensating layer has the same structure as the first step-shaped compensating layer. The functional film of Nakahara is not step-shaped as described above, but rather is a single contiguous film extending beyond the dummy seals and the main seal. Nakahara is silent as to the precise structure of the functional film on the inner and outer areas, so there is no teaching that the functional film in the inner and outer areas have the same structure. Therefore, Nakahara does not teach or disclose the first and second step-shaped compensating layers of claims 1-3 and 5-6. So for at least the reasons stated above, claims 1-3 and 5 are allowable over Nakahara.

Claims 21-23 and 25-26 recite a combination of elements including “a first compensating layer with a width substantially the same as a width of the main seal disposed

between the first substrate and the main seal” and “a second compensating layer with a width substantially the same as a width of the dummy seals disposed between the first substrate and the plurality of dummy seals, the second compensating layer having substantially a same structure as the first compensating layer.” Nakahara does not teach or disclose at least these features of the present invention. Nakahara is silent as to the precise structure of the functional film on the inner and outer areas. There is no description that these films are substantially the same width as the seals. Further the arguments with respect to claim 1 above apply as well. Therefore, claims 21-23 and 25-26 are allowable over Nakahara.


The rejection of claims 4, 7, 8, 24, 27, and 28 under 35 U.S.C. 103(a) is traversed, and reconsideration is request. Claims 4, 7, 8, 24, 27, and 28 are allowable over Nakahara as discussed above. Further, Hiraki fails to cure the deficiencies of Nakahara. Therefore, claims 4, 7, 8, 24, 27, and 28 are allowable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicant hereby authorizes the Commissioner of Patents to charges any fees necessary to complete this filing, including any fees required under 37 C.F.R. §1.136 for any necessary Extension of Time to make the filing of the attached documents timely, or credit any overpayment in fees, to Deposit Account No. 50-0911. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. §1.136 for the necessary extension of time.

Dated: September 15, 2004

Respectfully submitted,

By 
Eric J. Nuss

Registration No.: 40,106
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorney for Applicant